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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,801	08/03/2001	Taher Elgamel	06975-193002	8214
26171	7590	06/30/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			KLIMACH, PAULA W	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/920,801

Applicant(s)

ELGAMAL ET AL.

Examiner

Paula W. Klimach

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 31, 34, 36, 43, 45, 48

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that Perona does not disclose or suggest each attribute value corresponding to a policy attribute and indicating whether an application program may use a function capable of being performed by the application program. Although this is true, the examiner would like to note that in the combination of Drews and Perona, Drews discloses each attribute value corresponding to a policy attribute and indicating whether an application program may use a function capable of being performed by the application program (column 4 line 56 to column 5 line 45).

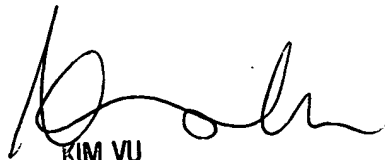
In regards to the applicants argument that claim 31 includes attribute values that indicate whether an application is permitted to use a function that the application is capable of using, without regard for compatibility issues addressed by Perona. The examiner will show that Perona discloses attribute values that indicate whether an application is permitted to use a function that the application is capable of using, below. However, claim 31 does not recite "without regard for compatibility issues." In the combination of Drews and Perona, Perona discloses attributes values that indicate whether an application program may use a function capable of being performed by the application program (column 6 lines 15-23).

The applicant argues further that Perona's rules do not relate to indicating whether an application program may use a function capable of being performed by the application program or determine whether a function represented by a retrieved attribute is permitted to be accessed by the application program (column 6 lines 24-36). The section quoted from Perona discloses the platform checks the integrity of the module using the rules and the identification. The platform further checks the configuration information against the module rules.

The applicant argues further that Perona's rules regulate access by a target computer. If this is in fact so, then it works both ways, the application is allowed to run on the platform and the platform is allowed to run the application. It is inherent that when the rule allows the application to run on the platform then it will allow the platform to run the application. It is impossible for the rule to allow the application to run on the platform and not allow the platform to run the application while still creating a functioning device.

The applicant argues that Perona does not regulate or even indicate whether the application program itself may use one of its functions. This is not found persuasive. Perona discloses verifying both the integrity and the source of the module; checking the identification; and rules and configuration information against rules record (column 6 lines 10-37). Therefore the system does in fact regulate whether the application program itself may use on of its functions.

The applicant argues further that Perona's technology fails to inform which of the two modes of operation should be invoked upon installation of the encryption program. This is not found persuasive since the claims 31 and 40 do not recite the limitation. Further claim 31 does not claims "...be used to control the mode of operation of the encryption program." The applicant argues further that Perona simply fails to disclose rules or attributes used to determine the permissibility of an application program to use one of the functions it is otherwise capable of using. Claims 31 and 40 do not recite this limitation.. .


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